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EXAMINER

JANVIER, JEAN D

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/835,731
Filing Date: April 16, 2001
Appellant(s): KEPROS ET AL.

Gero G. McClellan
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on June 19, 2006 appealing from the Office action mailed on September 23, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(8) Evidence Relied Upon

6,748,365	Quinlan	6-2004
6,175,823	Van Dusen	1-2001
4,674,041	Lemon	6-1987

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4-9, 11-13, 15, 16-17, 19-21, 24, 27-32, 34-36, 38 and 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable Quinlan, US Patent 6, 748, 365B1 in view of Van Dusen, US Patent 6,175,823B1.

As per claims 1, 4-9, 11-13, 15, 16-17, 19-21, 24, 27-32, 34-36 and 38 and 39-44,

Quinlan discloses a system and method for processing product marketing rebate claims submitted by a consumer in satisfaction of a rebate offer, the consumer having purchased designated or required products in a qualified transaction recorded by a participating point-of-sale (POS) data processing and storage system that issues a receipt containing a corresponding transaction serial number or identifier (linking a purchase identifier to a purchase of a product). The method further comprises the steps of providing a designated site of a computer information network accessible by the consumer for placing a rebate claim and receiving the rebate claim on the designated site. The rebate claim includes receiving the transaction serial number corresponding to the qualified transaction (linking a purchase identifier to a product purchase related to the rebate claim), and (ii) identifying or verifying information corresponding to the consumer (validation or authentication process). The transaction serial number and the identifying information are stored as permanent data records. Moreover, an electronic file

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transfer is received from the point-of-sale data processing and storage system comprising purchase data records, each record comprising the list of products purchased and the transaction serial number for a qualified transaction in which at least one designated product was purchased (Receiving the purchase identifier from a store computer). Each stored data record is associated with a purchase data record having an identical serial number and the records are processed to validate the rebate claim (validating, authenticating or verifying step). The value of the rebate offer is transferred to the consumer. Consumer access to the designated site may be via the global computer information network (Internet) or by telephone. The providing of the rebate to the consumer, subsequent to a rebate claim, may also optionally integrate paper-based and smart/credit/debit-card-based rebate claims (See abstract).

The above method may also be modified to allow at least one consumer to transmit information, associated with a rebate claim, to the designated site over a global computer information network whereas at least one other consumer completes and mails a paper form, related to a rebate claim, to a fulfillment housing administered by the fulfillment administrator and makes a rebate claim by providing the serial number of the qualified transactions and personal information on the paper form. The fulfillment administrator, upon receipt of the paper form, accesses the designated site of the global computer information network, enters and transmits to the designated site the other consumer's personal information and the serial numbers corresponding to the other consumer's qualified transactions, and stores as a stored data record the personal information and the serial numbers transmitted by the other consumer (Col. 5: 29-43).

In a further embodiment, at least one consumer may purchase the one or more designated products using a smart card having a card number and a computerized data storage means, at which time the transaction serial number is stored as computerized data on the smart card computerized data storage means. The consumer can then enter the one or more transaction serial numbers and the personal information by using a smart card reader to automatically download the computerized data representing the stored transaction serial number and the card number from the smart card into a card reader. In such case, the card number comprises the personal information from which the consumer can be identified. The fulfillment administrator then transfers the cash value of the rebate claims to the consumer by crediting the smart card (crediting the consumer's account with the rebate value related to the claim or electronically transferring the rebate value to the consumer's smart card memory- col. 5: 44-57).

In another embodiment, the consumer may purchase the designated product using a designated card such as a credit card having a corresponding credit account, a debit card having a corresponding bank or debit account, or a smart card having computerized data storage means. The designated card is sponsored by the retail network and has a card number. In such case, a fulfillment administrator receives, when the consumer mails the rebate to a fulfillment house, in the electronic file transfer from a POS system (a store computer) at least one transaction data record comprising the designated card number and the corresponding transaction serial number for the qualified transaction. The fulfillment administrator already has on file a stored data record comprising personal information about each consumer indexed by the designated card number, so the fulfillment administrator then associates the transaction data record with the corresponding stored data record for the designated card number. The stored data record is updated with the

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transaction serial number, and the remainder of the method remains the same, **except that the cash value of the rebate claims may be credited to the consumer by crediting the corresponding credit account, the debit or bank account, or the smart card (electronic transfer of rebate cash value, related to a rebate claim, to the consumer's account).** The above data entry method using the designated card for data entry and transmission to the dedicated site may be integrated with the Internet data entry and paper form data entry methods. The consumer may also receive, subsequent to claiming a rebate, a check having a value equal to the value of the rebate (col. 5: 58 to col. 6: 56; col. 7: 33-45).

See in general col.7: 66 to col. 8: 36; col. 9: 18-38.

Additionally, the rebate claim system, as described above, is secure whether the claim is performed Online via a designated network site or Off-line through a fulfillment house (col. 10: 30-50). Because a consumer can come home immediately after making a purchase in step 100 and access the designated site, in the Online model, in step 110, some consumers may wish to receive their rebate as soon as possible. Thus, the rebate method may further comprise the designated site interactively prompting the consumer in step 120 of fig. 2 to choose whether to proceed to method step 160 of fig. 2 immediately or to delay performing step 160 (i.e. delaying providing the value of the rebate related to a claim to the consumer). Thereafter, the consumer accesses the designated network site a second or subsequent time, the site may automatically recognize the consumer after transmitting only a portion of the personal information transmitted during the first access session, such as the name and zip code only, phone number only, e-mail address only, or any other limited portion of the consumer's personal information as deemed necessary. During the first visit to the designated site, the customer may be able to choose a

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username and password that can be entered during subsequent visits, and thus the username and password may constitute the partial or minimum information entered to be recognized. In such case, the designated site may interactively fill-in the computerized form with the remainder of their personal information upon entry of the partial information, or the site may prompt the consumer with a menu of addresses having the same name entered. From this menu, the consumer may merely choose which personal information is his or hers, and no further entry of personal information may be necessary, except to modify any information as necessary. The partial personal information transmitted by the consumer, via his computer, may require no entry at all, but instead may merely comprise information automatically transmitted by the consumer, such as a "cookie" saved on the consumer's computer from a previous visit to the designated site. Moreover, the consumer may simply enter a username and/or password and the designated site will automatically identify the consumer, as known in the art (Col. 10: 51 to col. 11: 67). In addition, the system, as herein disclosed, comprises a built-in module for releasing previously entered transaction codes or serial numbers or purchase identifiers for processing and for checking the status of a pending or previously submitted rebate claim (col. 14: 51-53). In other words, the secure rebate claim system, as disclosed by Quinlan, comprises appropriate Software to prevent a subsequent submission of a rebate claim whose transaction code or serial number or purchase identifier is already tagged or flagged in the designated site database or fulfillment house database as redeemed or processed or submitted by a specific consumer living in a particular zip code.

In another preferred embodiment, the rebate value related to a rebate claim, following a validation or clearing process, is electronically transferred to the consumer's credit card or debit

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card account number established at a bank or to the memory of the consumer's smart card.

Indeed, use of the designated card by the consumer, in particular a card issued by the fulfillment administrator acting as an umbrella for a large retail network of otherwise unrelated retailers,

may trigger automatic access of the designated site, used for electronic rebate claim

submission, on behalf of the consumer. Thus, for a consumer using a designated card, the

consumer may automatically make a rebate claim for any product purchased with the card. Such

automatic access may occur from the POS data processing and storage system without further

action by the consumer, as shown in FIGS. 5 and 6, (automatic claim submission at a POS). In

the case of a smart card, which has data storage capacity on the card, the smart card may instead

receive and store data from the POS system, such as the transaction serial number, and the

consumer may then access the designated site in step 110, as shown in FIG. 2, and automatically

enter the serial number data and personal information in step 120 via insertion of the smart card

in a card reader/writer. The data may then be uploaded to the designated site without manual

entry through a browser by the consumer. If the consumer has a refund waiting at the designated

site to be credited to his card from a previous rebate claim submission, the credit can also be

written to the card while during such a procedure (col. 14: 66 to col. 15: 53). Further, a consumer

may be able to use his or her card at any of several retail establishments to automatically receive

refunds credited to his or her account or downloaded to his smart card memory regardless of at

which retailer the qualified product was purchased. Cash values related to pending or previously

submitted rebate claims can be electronically transmitted to the memory of the consumer's smart

card when the card is involved in a transaction at a member or participating POS. Thus, for

instance, where smart card 292 of fig. 3 can be credited and debited by a participating retailer

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who offers the coordinated rebate program, the cash value may be transferred to the retailer who can then credit the consumer from the point-of-sale or POS system 210 of fig. 3 during the next visit. It should further be recognized here that the cash value or credit transferred to the retailer's POS system for later upload to the consumer's smart card memory should indeed include at least the transaction code or serial number or purchase identifier related to the previously submitted rebate claim such that all parties involved in the transaction are notified that the transferred credit is associated with a particular transaction identifier and appropriate records are kept (silently requesting or transmitting a transaction serial number or identifier to the store system). See col. 16: 52 to col. 17: 10; col. 18: 30-54; col. 19: 57 to col. 20: 2.

In a further embodiment, retailers may enjoy a reduction in fraudulent activity. Because the individual serial numbers for each qualified transaction are unique, a fraudulent consumer cannot just manufacture any authentic-looking cash register receipt and successfully claim a rebate. Similarly, because the standard serial number issued by POS systems known in the art is also entered during returns of items, consumers purchasing a rebatable item, returning it, and still trying to claim a refund will be identified by the serial number of the transaction. Even if a consumer were to receive the check and then return the item after having check-in-hand, that consumer can be identified as someone who has fraudulently claimed a rebate once, and thus can be entered into the fraud-checking database for the next time (checking to see if the product was previously returned- Col. 19: 41-55).

Finally, in its most basic form, the invention comprises a method for processing a rebate claim including receiving from a consumer the transaction serial code of the transaction during which the rebate item was purchased, and then matching that code with a data record containing

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that code and the list of rebate products purchased, as provided by the point-of-sale data processing system. The transaction serial code may be received via access to a global computer information system, by telephone or through a computer such as a home computer, used by the consumer, or a kiosk, via direct telephone access or direct computer access, or by a paper mailing. **An e-mail containing the transaction serial code or purchase identifier could also be sent to a designated e-mail address of the designated network site without navigating the Internet through a browser (Broadly interpreted, the retailer transfers the purchase identifier or transaction code to the user's computer via an electronic communication and the user or consumer can then submit this purchase identifier or transaction serial number to the designated site in order to claim a rebate related to the purchase identifier- Col. 20: 61 to col. 21:7).**

As per claims 1, 16 and 24, Quinlan does not expressly disclose generating by a rebate server a purchase identifier in response to a store POS request or remote station, transmitting the purchase identifier to the store POS or remote station and verifying or validating a rebate claim by comparing a submitted purchase identifier to the purchase identifier previously generated by the server.

However, Van Dusen discloses an electronic gift certificate system, which distributes electronic gift certificates in the form of e-mail documents that include hyperlinks for automating the redemption process. When a gift certificate recipient selects such a hyperlink, inserted into

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the e-mail containing the gift certificate information including a claim code and sent by a gift purchaser to the recipient, the recipient's computer automatically transmits during a redemption process the claim code (purchase identifier or transaction serial number), generated by a server and extracted from a pool of claim code combinations, to the merchant's Web site, and the site responds by automatically crediting the recipient's personal account with the gift certificate amount. When the recipient subsequently makes a purchase from the merchant's Web site, the recipient's account balance is automatically applied to the purchase price.

Further, FIG. 5 illustrates a sequence of steps that are performed by the GC application 72 to process an order for an e-mail-based gift certificate. This process is executed after the purchaser's credit card number or other payment information has been verified. **As depicted by steps 90 and 92, the GC application 72, running on the server, initially generates a claim code that uniquely identifies the gift certificate, and then stores the claim code and the associated gift certificate information in the table 80, where the stored claim code is retrieved from and used to verify or authenticate a claim code submitted by a gift certificate recipient during a redemption process.** Various alternatives to using a claim code and a look-up table are possible. For example, the claim code could be replaced with an encrypted user ID of the recipient and an encrypted code, which represents the gift certificate amount (col. 6: 7-19).

In addition, **the claim codes are preferably selected at random from a relatively large set of possible values (e.g., 10^{12} possible values or 10 to the power of 12 of possible values). The outstanding (valid) claim codes thus represent a sparse subset of the universe of possible claim code values. This technique provides a level of security by reducing the**

likelihood that unauthorized users will be able to identify valid claim codes through trial and error (col. 6: 20-34).

In short, a purchaser or gift certificate sender orders, via a remote station, a gift certificate from a POS using his credit card. In response, a server generates a claim code (purchase identifier or transaction serial number) extracted from a plurality of possible claim code combinations, wherein the claim code is printed along with other gift certificate data in an e-mail that is to be transmitted to a gift certificate recipient, wherein the claim code and the gift certificate data are stored in a table or database coupled to the server (rebate server) and wherein the stored claim code is retrieved therefrom and used to validate a claim code submitted by the gift certificate recipient during a redemption process.

(See abstract; figs. 5 and 6; col. 5: 47 to col. 6: 34).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the teachings of Van Dusen, related to the claim code generation and the gift certificate redemption, into the Quinlan's rebate system so as to generate by a remote server or rebate computer system (rebate server) a unique purchase identifier or transaction identifier (claim code or transaction serial number), which is stored in the server database, upon receiving a signal from a remote station or a POS terminal to create or extract a purchase identifier from a pool of possible purchase identifier combinations when a rebate product (or a product triggering rebate) is detected in a customer's order at the POS, wherein the purchase identifier is printed on the customer's receipt in a manner analogous to printing a transaction serial number on the

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customer's receipt, wherein the printed purchase identifier is used to validate or authenticate by the rebate server a rebate claim, associated with the rebate product and the printed or appended purchase identifier, submitted by the customer over a network by comparing the submitted purchase identifier to the purchase identifier or transaction serial number previously generated and stored in the server database containing a plurality of unexpired and valid purchase identifiers initially created and corresponding to one or more rebate products, thereby adding an extra layer of security to the rebate system by removing the task of generating or creating the unique purchase identifiers or transaction serial numbers related to the rebate products from the retailers POS terminals where they can be fraudulently produced without purchasing the required products or rebate products, while generating the purchase identifiers in real time by the server or rebate server when the presence of at least one rebate product is detected in the customers' orders at the retailers' POS and while making it more difficult for unscrupulous retailers and/or clerks conspiring with malicious customers to provide invalid purchase identifiers to the customers with no required purchase by guessing the next unique possible purchase identifier from the pool of possible purchase identifier combinations.

As per claims 14, 18 and 37, although Quinlan discloses a system, wherein a consumer or user uses a personal computer to submit a rebate claim to a designated network site (web site having a web page), however, the combination of Quinlan and Van Dusen fails to teach the use by the consumer of a personal digital assistant (PDA).

However, it is well documented in the art to use a wireless device, such a cell phone, a

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PDA, etc., to access a computer network or the Internet to make a request or download information such as game or coupon data that are stored in the memory or local database of the wireless device for later retrieval and use ("Official Notice").

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the above disclosure into the systems of Quinlan and Van Dusen so as to enable a consumer to use a wireless device, such a PDA or cell phone, and a personal computer to submit a rebate claim at a designated web site or site on the Internet by entering the necessary information including the transaction identifier related to the rebate claim and the user's personal information, thereby enabling the user or consumer to wirelessly submit a rebate claim to the designated site immediately after buying one or more qualified item(s) in a qualified transaction regardless of the user's present location, wherein the credit associated with the rebate claim can be submitted in real-time to the user's wireless device and wherein the user can redeem or use the credit encoded in the memory of his portable or wireless device (cell phone) during a transaction at a local participating store while on the road and away from his normal zip code or geographic location.

Claims 10 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Quinlan and Van Dusen and further in view of Lemon, US Patent 4, 674, 041.

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As per claims 10 and 33, the combination of Quinlan and Van Dusen fails to expressly teach a process or system for determining whether a limit of rebates for the product related to a particular rebate is reached or exceeded.

However, Lemon discloses a system having remotely located coupon printing stations installed in stores and capable of limiting the number of coupons printed in a given time period. Each coupon station has a display for indicating the available coupons, selection means to allow a consumer to choose the desired coupon and a coupon printer coupled to a station for printing the selected coupon. The system disables display of a particular coupon when a pre-selected coupon limit has been reached (col. 2: 16-19; col. 3: 39-54; col. 4: 47-51).

Therefore, an ordinary skilled artisan, implementing the Quinlan's system, would have been motivated at the time of the invention to incorporate the teachings of Lemon into the systems of Quinlan and Van Dusen so as to use a "check and balance system" or regression analysis technique by continuously monitoring the number of rebates given out as the qualified product, which triggers the generation of the rebates in the first place, is being sold to customers and if the number of rebates thus far distributed reaches or exceeds a preset threshold limit, then the system is operable to automatically decrease, based on the product manufacturer's desires, the value of subsequently issued rebates as the associated product is being purchased or simply stop or discontinue the promotion or the issuance of future rebates related to the sales of the said product even before the expiration date of the promotional period expires, thereby giving the manufacturer or rebate issuer, using a computer system linked to the stores POS terminals, the latitude or flexibility to increase or decrease or modify the targeted rebate value associated with the particular product (or to even discontinue the promotion) if the latest transaction data

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including redeemed rebate data received from a plurality of retail stores show that the number of coupons or rebates allowed to be printed and redeemed reaches or exceeds a preset number or the manufacturer's goal has been achieved such that the manufacturer can decrease the rebate value associated with the sales of the product or simply discontinue the promotion.

(10) Response to Argument

In general, Appellant herein argues that the **Van Dusen's Patent is non-analogous art because it does not disclose, inter alia, a method for processing electronic rebates, which is the Appellant's field of endeavor, nor is it reasonably pertinent to the particular problem(s), which the current inventors are concerned with.** Appellant also contends that the Van Dusen's Patent, used to compensate for the deficiency in Quinlan, does not actually teach the missing claim elements **or a system for transmitting by a (rebate) server computer system via a network a purchase identifier (transaction identifier) to a store computer system during a transaction, as recited in at least independent claim 1, and that there is no motivation to combine the two cited references and that the Examiner has not established a prima facie case of obviousness.** However, the Examiner completely and respectfully disagrees with the Appellant's findings.

First, as an initial matter and contrary to the Appellant's remarks, both Quinlan (the primary reference) and Van Dusen (the secondary reference) and the Instant Application deal with commerce or electronic commerce (e-commerce), which is, broadly interpreted, a common field of endeavor. It is also worth noting that in all the three systems mentioned above, the recipient of either the rebate or the gift certificate does not have to pay for either the rebate or the

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gift certificate. Further, Van Dusen (in the secondary reference) teaches, among other things and contrary to the Appellant's findings, a process for generating by a web server (rebate server) a pool of claim codes or purchase or transaction identifiers and transmitting a unique purchase identifier or claim code to a remote computer or user's computer (the store's computer in the claim) during a (purchase) transaction upon receiving a signal from the remote computer used by a buyer to purchase a gift certificate from a web site related to the server (rebate server computer system), wherein the purchase identifier (claim code) is appended to the gift certificate and wherein the claim code or purchase identifier is used during the gift certificate and used during a redemption (a gift certificate claim) by the recipient to verify the authenticity of the gift certificate, thereby preventing fraudulent activities often associated with the issuance and redemption of coupons, rebates, gift certificates, etc. The system disclosed in the present claimed invention also deals with generating a transaction or purchase identifier (code or claim code) by a sever upon receiving a signal from a remote computer or terminal (or store POS system) during a transaction and transmitting the generated identifier or code to the remote computer, wherein the generated code is being associated with or appended to a rebate and used thereafter during a rebate claim or a rebate submission by a rebate recipient to verify the authenticity of the rebate, in a manner similar or analogous to submitting a gift certificate claim (gift certificate redemption). Here, contrary to the Appellant's contention, the two systems (and the Quinlan's system) are indeed analogous and disclose a process for solving a common problem- **verifying the authenticity of a rebate claim or a gift certificate claim**. Furthermore, both the Quinlan's system (USP 6,748,365) and the Van Dusen's system (6,175,823) and the system disclosed in the present claimed invention are all classified in 705/14 (See MPEP 2141.01(II)). Moreover, if Van

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Dusen had taught a rebate system as opposed to a gift certificate system, then the claimed invention would have been anticipated by Van Dusen. Additionally, the primary reference or the Quinlan's Patent is in the same field of endeavor as the system of the present claimed invention. The question should be rather whether or not the Van Dusen's system is analogous to the Quinlan's such that they can be combined to render the claimed invention obvious. And the answer to this hypothetical question would have been affirmative or positive as shown above. To this end, the Appellant's arguments are not plausible. And the rejections, as herein presented, should be sustained or maintained (See figs. 4, 5 and 6; col. 5: 47 to col. 6: 6 and **col. 6: 7-34 of the Van Dusen's Patent**).

Second, Appellant silently or implicitly agrees with the Examiner that although Quinlan teaches all the limitations of at least independent claim 1, or more specifically a system for generating a transaction identifier (purchase identifier) by at least the store POS computer and printing the said identifier on the customer's purchase receipt during a transaction, however, Quinlan does not expressly teach the step of generating the purchase identifier by a server or a central computer and transmitting the purchase identifier to a remote store computer over a network during a transaction. In other words, although it can be assumed that the transaction identifier in Quinlan is generated by the store POS computer, however, Quinlan does not explicitly indicate whether or not the purchase identifier is generated by the store POS computer or by a remote server.

However, as shown above, Van Dusen teaches a web server (rebate server) that generates a plurality of unique claim codes or purchase identifiers wherein one specific claim code from

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the plurality of generated codes is transmitted to a remote computer or user's computer (remote store POS computer), over a network or the Internet, upon receiving a signal (request) from the remote computer, during a transaction, that the user is purchasing a gift certificate and wherein the transmitted claim code or purchase identifier is associated with or appended to the gift certificate and used thereafter by the recipient of the gift certificate during a redemption to thereby authenticate or validate the gift certificate, while preventing fraud.

Thus, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the teachings of Van Dusen, related to the claim code generation and the gift certificate redemption, into the Quinlan's rebate system so as to generate by a remote server or rebate computer system (rebate server) a plurality of unique purchase identifiers or transaction identifiers (claim codes or transaction serial numbers), which are stored in the remote server database, and to transmit one unique identifiers from the plurality of stored identifiers to a store POS terminal upon receiving a signal from the remote station or a POS terminal to create or extract a purchase identifier from the pool of possible purchase identifier combinations (or plurality of stored identifiers) when a rebate product (or a product triggering rebate) is detected in a customer's order at the POS during a transaction, wherein the purchase identifier (transmitted unique identifier) is printed on the customer's receipt in a manner analogous to printing a transaction serial number on the customer's receipt (as taught by Quinlan) wherein the printed purchase identifier is used to validate or authenticate by the rebate server (claim web site) a rebate claim, associated with the rebate product and the printed or appended purchase identifier, submitted by the customer over a network by comparing the submitted purchase identifier to the purchase identifier or transaction serial number previously generated and stored

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in the server database containing a plurality of unexpired and valid purchase identifiers initially created and corresponding to one or more rebate products, thereby adding an extra layer of security to the rebate system by removing the task of generating or creating the unique purchase identifiers or transaction serial numbers related to the rebate products from the retailers POS terminals where they can be fraudulently produced without purchasing the required products or rebate products, while generating the purchase identifiers in real time by the server or rebate server when the presence of at least one rebate product is detected in the customers' orders at the retailers' POS and while making it more difficult for unscrupulous retailers and/or clerks conspiring with malicious customers to provide invalid purchase identifiers to the customers with no required purchase by guessing the next unique possible purchase identifier from the pool of possible purchase identifier combinations.

The above conclusion is well within the level of skills of an ordinary artisan.

Finally, the Appellant request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Appellant's arguments as herein presented are not plausible and thus, the rejections should be sustained or maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

08/25/06

JDJ

Conferees:

Eric Stamber (SPE) 

Raquel Alvarez (XP) 

JEAN D. JANVIER
PRIMARY EXAMINER

